

Amendments to the Claims:

1 (Currently amended): A computer-implemented method for transmitting data related to a game application between mobile devices, the method comprising:

initiating a gaming session between a first host mobile device and a second receiving mobile device for communicating the data, wherein initiating a gaming session includes sending a notification from the host mobile device to indicate available protocols of the host mobile device, wherein initiating a gaming session includes receiving an acknowledgement of transmission from the receiving mobile device that includes available protocols of the receiving mobile device;

providing determining a first transport configured to communicate the data, wherein the first transport has a first transport protocol, wherein the first transport is determined based on the notification and the acknowledgement of transmission;

providing determining a second transport configured to communicate the data, wherein the second transport has a second transport protocol, wherein the second transport is determined based on the notification and the acknowledgement of transmission;

determining whether the first transport protocol corresponds to an optimal transport protocol for transmitting the data;

switching the first transport protocol to the second transport protocol when a determination is made that the second transport protocol is the optimal transport protocol;

transmitting the data according to the first transport protocol when the first transport protocol corresponds to the optimal transport protocol; and

transmitting the data according to the second transport protocol when the second transport protocol corresponds to the optimal transport protocol.

2 (Currently amended): The computer-implemented method of Claim 1, wherein initiating the gaming session further comprises:

selecting an initial transport protocol from the transport protocols available on the host first-mobile device;

transmitting address information corresponding to the host first mobile device to the receiving second mobile device;

transmitting game information corresponding to a host first game application activated on the host first mobile device to the receiving second mobile device; and

receiving an acknowledgment of the transmitted address information and game information from the receiving ~~second~~ mobile device at the host ~~first~~ mobile device, wherein the acknowledgment includes address information corresponding to the receiving ~~second~~ mobile device.

3 (Currently amended): The computer-implemented method of Claim 2, wherein the address information includes at least one member of a group comprising: an IP address identifier, an e-mail address, a SMS identifier, a phone number, Bluetooth permissions, and profile information corresponding to one of the host ~~first~~ mobile device and the receiving ~~second~~ mobile device.

4 (Currently amended): The computer-implemented method of Claim 1, wherein the optimal transport protocol is determined according to selected parameters that includes at least one member of a group comprising: immediate availability, transmission rate, and cost effectiveness.

5 (Currently amended): The computer-implemented method of Claim 1, wherein a socket-based connection is established between the host ~~first~~ mobile device and the receiving ~~second~~ mobile device prior to transmission of the data.

6 (Currently amended): The computer-implemented method of Claim 1, wherein a packet-based connection is established between the host ~~first~~ mobile device and the receiving ~~second~~ mobile device prior to transmission of the data.

7 (Currently amended): The computer-implemented method of Claim 1, further comprising determining that the gaming session is incomplete when additional data related to the game application is to be transmitted between the host ~~first~~ mobile device and the receiving ~~second~~ mobile device.

8 (Currently amended): The computer-implemented method of Claim 1, further comprising receiving additional data from the receiving ~~second~~ mobile device according to another optimal protocol that is determined by the receiving ~~second~~ mobile device.

9 (original): The computer-implemented method of Claim 8, wherein receiving additional data further comprises:

- monitoring for the additional data to be transmitted across a transport protocol;
- notifying a game subsystem when the additional data is received;
- notifying the game application of the new data when the game subsystem is notified; and
- retrieving the data to the game application to further game play.

10 (Currently amended): A mobile device, comprising:

- a processor;
- a display;
- a memory into which a plurality of computer-executable instructions are loaded, the computer-executable instructions performing a method comprising:
 - initiating a gaming session between a ~~first~~ host mobile device and a receiving second mobile device for communicating data that is associated with a game application, wherein initiating a gaming session includes sending a notification from the host mobile device to indicate available protocols of the host mobile device, wherein initiating a gaming session includes receiving an acknowledgement of transmission from the receiving mobile device that includes available protocols of the receiving mobile device;
 - ~~providing~~ determining a first transport configured to communicate the data, wherein the first transport has a first transport protocol, wherein the first transport is determined based on the notification and the acknowledgement of transmission;
 - ~~providing~~ determining a second transport configured to communicate the data, wherein the second transport has a second transport protocol, wherein the second transport is determined based on the notification and the acknowledgement of transmission;
 - determining whether the first transport protocol corresponds to an optimal transport protocol for transmitting the data;
 - switching the first transport protocol to the second transport protocol when a determination is made that the second transport protocol is the optimal transport protocol;
 - transmitting the data according to the first transport protocol when the first transport protocol corresponds to the optimal transport protocol; and

transmitting the data according to the second transport protocol when the second transport protocol corresponds to the optimal transport protocol, such that a switch between the first protocol and the second protocol is transparent to the user and the game application.

11 (Currently amended): The mobile device of Claim 10, the computer-executable instructions for initiating the gaming session further comprising:

selecting an initial transport protocol from the transport protocols available on the host first mobile device;

transmitting address information corresponding to the host first mobile device to the receiving second mobile device;

transmitting game information corresponding to a first game application activated on the host first mobile device to the receiving second mobile device; and

receiving an acknowledgment of the transmitted address information and game information from the receiving second mobile device at the host first mobile device, wherein the acknowledgement includes address information corresponding to the receiving second mobile device.

12 (original): The mobile device of Claim 10, the computer-executable instructions further comprising determining the optimal transport protocol according to selected parameters that includes at least one of a group comprising immediate availability, transmission rate, and cost effectiveness.

13 (Currently amended): The mobile device of Claim 10, the computer-executable instructions further comprising establishing a socket-based connection between the host first mobile device and the receiving second mobile device prior to transmission of the data.

14 (Currently amended): The mobile device of Claim 10, the computer-executable instructions further comprising establishing a packet-based between the host first mobile device and the second receiving mobile device prior to transmission of the data.

15 (Currently amended): The mobile device Claim 10, further comprising determining that the gaming session is incomplete when additional data related to the game

application is to be transmitted between the host ~~first~~ mobile device and the receiving ~~second~~ mobile device.

16 (Currently amended): The mobile device of Claim 10, further comprising receiving additional data from the ~~second~~ mobile device according to another optimal protocol that is determined by the ~~second~~ mobile device.

17 (Currently amended): A computer-readable storage medium encoded with computer-executable instructions for performing a method comprising:

initiating a gaming session between a host mobile device and at least one receiving mobile device according to a first transport protocol, wherein address information and game information is transmitted from the host mobile device to at least one receiving mobile device;

receiving from the at least one receiving mobile device an acknowledgment of transmission that includes available protocols of the at least one receiving mobile device;

providing a first transport configured to communicate data, wherein the first transport has a first transport protocol, wherein the first transport is determined based on the acknowledgement of transmission;

providing a second transport configured to communicate the data, wherein the second transport has a second transport protocol, wherein the second transport is determined based on the acknowledgement of transmission;

determining whether the first transport protocol corresponds to an optimal transport protocol for transmitting the data from the host mobile device to at least one receiving mobile device, wherein the data is related to a game application;

switching the first transport protocol to the second transport protocol when a determination is made that the second transport protocol is the optimal transport protocol;

transmitting the data related to the game application according to the first transport protocol when the first transport protocol corresponds to the optimal transport protocol;

transmitting the data according to the second transport protocol when the second transport protocol corresponds to the optimal transport protocol; and

receiving additional data related to the game application from at least one receiving mobile device according to another optimal protocol that is determined by the receiving mobile device.

18 (Previously presented): The computer-readable storage medium of Claim 17, wherein initiating the gaming session further comprises receiving an acknowledgment of the transmitted address information and game information from at least one receiving mobile device at the host mobile device, wherein the acknowledgement includes address information corresponding to at least one receiving mobile device.

19 (Previously presented): The computer-readable storage medium of Claim 17, wherein the address information includes at least one of a group comprising an IP address identifier, an e-mail address, a SMS identifier, a phone number, Bluetooth permissions, and profile information.

20 (Previously presented): The computer-readable storage medium of Claim 17, wherein the optimal transport protocol is determined according to selected parameters that includes at least one of a group comprising immediate availability, transmission rate, and cost effectiveness.

21 (Previously presented): The computer-readable storage medium of Claim 17, wherein a socket-based connection is established between the host mobile device and at least one receiving mobile device prior to transmission of the data.

22 (Previously presented): The computer-readable storage medium of Claim 17, wherein a packet-based connection is established between the host mobile device and at least one receiving mobile device prior to transmission of the data.

23 (Previously presented): The computer-readable storage medium of Claim 17, further comprising determining that the gaming session is incomplete when additional data related to the game application is to be transmitted between the host mobile device and at least one receiving mobile device.

24 (Previously presented): The computer-readable storage medium of Claim 17, wherein receiving additional data further comprises:

- monitoring for the additional data to be transmitted across a transport protocol;
- notifying a game subsystem when the additional data is received;
- notifying the game application of the new data when the game subsystem is notified; and
- retrieving the data to the game application to further game play.